

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

JONATHAN DAVID, on behalf of  
himself and all others similarly  
situated,

Plaintiff,

vs.

VOLKSWAGEN GROUP OF  
AMERICA, INC., a New Jersey  
Corporation, VOLKSWAGEN AG, a  
foreign corporation.

Defendants.

Civil Action No.: 2:17-cv-11301  
(SDW) (CLW)

Motion Date: February 20, 2018

**ELECTRONICALLY FILED**

**ORAL ARGUMENT**  
**REQUESTED**

**DEFENDANT VOLKSWAGEN GROUP OF AMERICA, INC.'S NOTICE  
OF MOTION TO DISMISS PLAINTIFF'S CLASS ACTION COMPLAINT  
PURSUANT TO FED. R. CIV. P. 12(b)(1), 12(b)(6) AND 9(b)**

**PLEASE TAKE NOTICE** that pursuant to Local Rule 7.1, Defendant Volkswagen Group of America, Inc. shall move pursuant to Rule 12(b)(1), 12(b)(6) and 9(b) before the Hon. Susan D. Wigenton, U.S.D.J., on February 20, 2018 (or on such other date as the Court shall schedule), at the United States District Court, District of New Jersey, 50 Walnut Street, Newark, New Jersey, for an Order dismissing Plaintiff's Class Action Complaint in its entirety pursuant to Rules 9(b), 12(b)(1) and 12(b)(6) for lack of standing and for failure to satisfy the requisite pleading standards and to state a claim upon which relief can be granted.

**PLEASE TAKE FURTHER NOTICE** that in support of this motion, Defendant shall rely upon the accompanying Memorandum of Law, the Declaration of George Blake, including the exhibit submitted thereto, and Volkswagen Group of America, Inc.'s Recall Report 14V-658 (involving the 2013-2015 Volkswagen Beetle), which may be judicially noticed and is attached hereto as Exhibit B. A proposed form of Order is also submitted.

Dated: January 19, 2018

Respectfully submitted,

CHASE KURSHAN HERZFELD  
& RUBIN, LLC

By: /s/ Jeffrey L. Chase

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